# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 466 OF 2004

SHRI EVARISTO NORONHA,BETALBATIM,SALCETE-GOA. ....Petitioners

Versus

SHRI ARIES C.F.MARCHON AND 3 ORS., ....Respondents

Mr. S. S. Kantak, Advocate for the petitioner.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar, Advocate for the respondents.

Coram:- R. M. LODHA, J.

Date:- 25th August, 2005

P.C.

Heard Mr.S. S. Kantak, the learned Counsel Counsel for the petitoner and Mr. J.E. Coelho Pereira, the learned Senior Counsel for the respondents.

2. The view taken by the appeal Court is consistent with the legal position. If any decision needs be referred, I may refer to the decision of the Supreme Court in the case of India Umbrella Manufacturing Co. and ors. v. Bhagabandei Agarwalla (deceased) by LRs. Savitri Agarwalla (Smt.) and ors. (2004) 3 SCC 178 wherein the Supreme Court observed that when one co-owner files a suit alone, he acts for other co-owners and agency is implied. The consent of other co-owners is assumed unless it is shown that they were not agreeable. The impugned order does not suffer from any error of law or jurisdiction. No interference is called for. The writ petition is dismissed in limine.

R. M. LODHA, J.